SBCivil Writ Petition No.3895/2005

Ram Kuwar & Anr.
v.
State of Rajasthan & Anr.

Date of Order :: 26th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Himanshu Srimali, for the petitioners.
Mr. N.M.Lodha, Addl.Advocate General.
Mr. Tarun Joshi, for the respondent.

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By an advertisement dated 2.6.2004 the Rajasthan Public Service Commission invited applications from eligible candidates to face Primary and Upper Primary School Teachers Competitive Examination-2004 for the purpose of appointment of teachers under the Rajasthan Panchayati Raj Rules, 1996 (hereinafter referred to as “the Rules of 1996”). The last date for submitting application was 5.7.2004 and the eligibility to appear in the examination aforesaid was that the aspirant must be having a senior secondary school examination certificate or higher secondary school examination certificate or its equivalent with five subjects including subjects of Mathematics, English and Hindi with a Basic School Training Certificate or Bachelors Degree in Education. The aspirants undertaking the course of BSTC/B.Ed. were allowed to face the examination subject to the condition that they have to acquire qualification

concerned on the date of holding the Primary and Upper Primary School Teachers Competitive Examination–2004.

The petitioners, considering themselves eligible to face the Primary and Upper Primary School Teachers' Competitive Examination 2004, submitted an application and were allowed to appear in the said examination. At the time of appearing in examination the petitioners were undergoing B.Ed. Course, therefore, it was not possible for them to submit the mark sheets of B.Ed. The petitioners failed to submit mark sheets of B.Ed. examination uptil holding of examination. The result of primary and upper primary teachers school examination 2004 was declared on 5.1.2005 till then the petitioners were not having B.Ed. mark sheets.

It is stated at Bar by counsel for the petitioners that yet the petitioners have not received the B.Ed. mark sheets as the examination in which they appeared through the Dr. Bheemrao Ambedkar University, Agra is subject matter of a writ petition pending before Hon'ble Allahabad High Court. The Rajasthan Public Service Commission considering the petitioners ineligible to appear in Primary and Upper Primary School Teachers Competitive Examination, 2004 rejected their applications. Being aggrieved by the same this petition for writ is preferred.

It is contended by counsel for the petitioners that they failed to deposit the mark sheets of B.Ed. Examination as a dispute is pending before Hon'ble Allahabad High Court otherwise the petitioners have already acquired the qualification of B.Ed. It is further stated that the reason for not producing B.Ed. mark sheets before the Commission is beyond the control of the petitioners, therefore, the petitioners are required to be treated eligible and their candidature should be considered for the purpose of appointment as teachers as a consequence to the Primary and Upper Primary School Teachers Competitive Examination, 2004.

I do not find any force in the contention so raised as the petitioners in any case are not having the requisite qualification. The petitioners cannot be treated eligible to hold the post of teachers under the Rules of 1996 merely on the count that they have faced the examination of B.Ed. and the examination concerned is subject matter of a dispute pending before Hon'ble Allahabad High Court. The petitioners being lacking the requisite qualification are ineligible to be appointed as teachers. The reason for not having the mark sheets of the B.Ed. Examination though may be beyond the control of the petitioners but it is not in dispute that yet they are not having the qualification of B.Ed.

In view of whatever discussed above the writ petition is dismissed.

(GOVIND MATHUR),J.

kkm/ps.